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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,037	12/10/2004	Kim Brogarrrd Wiese	1175/73567/DSD	3595

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Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,037

Applicant(s)

WIESE, KIM BROGARRD

Examiner

Robert J. Popovics

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date March 14, 2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims **1-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of **Calloni (US 4,734,207)** and **Swanson (US 5,679,251)**.

Calloni discloses the purification of oils. Calloni does not expressly disclose the use of a filtering media comprising organic fibers and carbon particles. The use of both organic (e.g., cellulose or paper) and carbon filters to purify oils is very well known.

Swanson discloses an oil filter employing organic and carbon media – see the abstract. It would have been readily apparant to one of ordinary skill in the art to employ the filter of Swanson in the system of Calloni in order to remove contaminants from the oil being processed. It is well known in the art to employ a vacuum to remove volatiles from liquids. Calloni acknowledges the need to degas at column 1, line 64-68. Accordingly, use of a vacuum degassing step to remove volatiles would have been obvious. At column 2, lines 55-60, cooling of the oil is taught. The balance of the claim limitations are submitted to be met by the system of the references as combined above, if not expressly, then inherently, or alternatively, they would have been obvious in view of that which is conventionally known in the art. With respect to claims 3-4, the use of plural filters in series to perform prefiltration is notoriously well known in the art. The skilled artisan is credited with the intelligence neccessary to select filters commensurate with the particulate challenge encountered.

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Claim Rejections - 35 USC § 112

Claims **18-34** and **37** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how Applicants intend apparatus claim 18 to further limit process claim 1 from which it depends.

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

A large, stylized handwritten signature in black ink, appearing to read 'R. J. Popovics'.

Robert James Popovics
Primary Examiner
Art Unit 1724

A smaller, stylized handwritten signature in black ink, possibly reading 'R. J. Popovics'.